

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AUDRY MALCOLM,
*On behalf of herself and all other employees
similarly situated,*
&
PETER LUCIANO,
*On behalf of himself and all other employees
similarly situated*

v.

EASTMAN KODAK COMPANY

**ORDER TO MODIFY ORDER
PRELIMINARILY APPROVING
SETTLEMENT**

**Civil Actions
No. 03-CV-6589 T(P)
No. 04-CV-6194 CJS (F)**

WHEREAS the date for mailing of Class Notice is to be not later than July 7, 2006 as provided in paragraph 7 of the parties' February 15, 2006 Class Action Settlement Agreement and Release ("Settlement Agreement") and in paragraph 11 of this Court's February 17, 2006 Order Preliminarily Approving Settlement ("Order"); and

WHEREAS counsel for Kodak delivered to counsel for plaintiffs a [proposed] Class Notice and a [proposed] Claim Form for approval on March 6 and March 7, 2006, respectively, and counsel for the parties have discussed these documents and believe that they are close to agreement but need more time to work out drafting details; and

WHEREAS the Settlement Agreement provides in paragraph 19 that the Class Notice should be delivered to the Court for approval three weeks after the February 15, 2006 date of execution of the Settlement Agreement, which would be March 8, 2006; and

WHEREAS the parties need more time to agree on revisions of the Class Notice, Claim Form and form of Receipt, and taking more time for these revisions will not delay implementation of the settlement because the Class Notice is not due to be mailed out until July 7, 2006; and

WHEREAS paragraph 16 provides for amendments to the Settlement Agreement upon written agreement of the Plaintiffs' and Defense Counsel and approval by the Special Master or the Court;

IT IS HEREBY ORDERED, that the parties shall submit the Class Notice, Claim Form and Receipt to the Court for approval by not later than May 3, 2006.

IT IS SO ORDERED.

Dated: March 10, 2006

S/ MICHAEL A. TELESCA
Honorable Michael Telesca
United States District Judge